

Approval as Written: 8/1/01

**CITY OF MORGAN HILL
JOINT REGULAR REDEVELOPMENT AGENCY AND
SPECIAL CITY COUNCIL MEETING
MINUTES - JUNE 27, 2001**

CALL TO ORDER

Mayor/Chairman Kennedy called the meeting at 7:02 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Chang, Sellers, Mayor/Chairman Kennedy. Absent: Council/Agency Member Tate

DECLARATION OF POSTING OF AGENDA

Agency Secretary/Deputy City Clerk Corbet certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

INVOCATION

The Mayor invited all present to join in the silent invocation.

PLEDGE OF ALLEGIANCE

The Mayor invited Carol Holzgrafe to lead the pledge of allegiance.

PUBLIC COMMENTS

Mayor Kennedy opened the meeting for public comments addressing items not on the agenda. Carol Holzgrafe, Chair of the 4th of July Community Celebration, gave an overview of the events planned during the two day celebration. Stressing it was to be "small Town good fun" she invited members of the Council and the public to participate. Concluding the announcement, Ms. Holzgrafe distributed brochures of the schedule to Council Members and City Officials.

With no others present to address the Council members, Mayor Kennedy closed the public comment portion of the meeting.

Redevelopment Agency Action

CONSENT CALENDAR:

(Item 2 was addressed as a detached action item at the request of Agency Member Chang)

Action: *On a motion by Agency/Council Member Carr and seconded by Agency/Council*

*Member Chang, the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, **approved** Consent Items 1 and 3 as follows:*

1) **MAY 2001 FINANCE AND INVESTMENT REPORT**

Action: **Accepted and Filed** Report.

3) **AGREEMENT FOR OUTSIDE LEGAL COUNSEL (RICHARDS, WATSON & GERSHON)**

Action: **Authorized** Executive Director to Execute Consultant Agreement for Legal Services in FY2001 - 2002 with Richards, Watson & Gershon in the Amount of \$90,000.

OTHER BUSINESS:

2) **ACQUISITION OF PROPERTY BETWEEN MURPHY AND CONDIT, AND SAN PEDRO AND BARRETT (SOCCER COMPLEX)**

Director of Business Assistance and Housing Services, Garrett Toy, presented the staff report providing an explanation of the planned project. He noted that the funds availability were subject to a public hearing scheduled July 25 when the expenditure of funds would be addressed. The action(s) requested tonight are expected to expedite the process so that construction will be planned to begin FY 2003 - 04.

Chairman Kennedy opened the floor to public comments; no comments were offered.

Action: *On a motion by Agency/Mayor Pro Tempore Sellers and seconded by Agency/Council Member Carr, the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, **approved** Consent Item 2.1 as follows:*

1. **Authorized** the Executive Director to Execute a Purchase Agreement and Any Other Related Documents with the owners to Acquire the real Property Located between San Pedro, Barrett and Murphy Avenues, and Condit Road (APN: 817-13-001) for \$7.3 Million plus \$350,000 in Interest, and All Closing and Escrow Costs;

Action: *On a motion by Agency/Council Member Chung and seconded by Agency/Council Member Sellers, the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, **approved** Consent Item 2.2 as follows:*

2. **Appropriated** \$7,660,000 from the Redevelopment Agency's Fund Balance (Fund 317)

Agency/Council Member Chang expressed gratitude to Director. Toy and City Manager Tewes for

“making the project” happen.

In turn, Mayor/Chairman Kennedy thanked Agency/Council Member Chung for her dedication and for facilitating the culmination of the project.

4) LEADERSHIP MORGAN HILL CLASS OF 2001 - DOWNTOWN COMMONS PARK RENOVATION PROJECT

Director of Business Assistance and Housing Services Garrett Toy, presented the Staff report. The City has a year-to-year lease on the Downtown Commons Park. This year's Leadership Morgan Hill Class had identified the Park as one of their chief interests. The Chair of Leadership Morgan Hill Class of 2001, Dennis Browne, explained the work plan for the Downtown Commons Park, with emphasis on clean-up of distressed areas, landscape replacement and enhancement, and the placement of art work panels on the fencing around the park. Mr. Browne said the entire cost of the undertaking would be \$13,500 of which the Leadership Morgan Hill Class of 2001 would raise \$7,500, ask the Redevelopment Agency for \$2,500 and solicit the remaining funds (cash and in-kind) from area merchants and businesses. Stressing the plans would be an enhancement to the City, increase safety in the area, enrich art involvement of youth in the community, and be part of the Community Center for Art Project, he outlined the plans to the different areas of the park. The panels of art, Mr. Browne said, would be removable so they could be changed about and/or repaired as needed. He told Council Members that the young artists would be encouraged, supervised, and mentored by professional artists.

At the request of the Mayor, Mr. Browne introduced Members of the Leadership Morgan Hill Class of 2001 who were present. All Members of the Class were thanked by the Mayor and Council Members for their dedication and hard work.

Council Members discussed specific issues of the project with Mr. Browne including: the future of the existing picnic table and benches (which Council Member Sellers had originally helped to obtain), the plans for on-going maintenance, security/vandal-proofing of the art panels, signage in the park, and lighting to compliment and brighten the area.

Chairman Kennedy opened the floor to public comments; no comments were offered.

Action: *On a motion by Agency/Council Member Sellers and seconded by Agency/Council Member Chang, the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, approved the request by the Leadership Morgan Hill Class of 2001 for \$2,500.00 for improvement to the Downtown Commons Park Renovation Project.*

CERTIFICATE OF RECOGNITION

Mayor Kennedy presented Oscar Gonzalez a Certificate of Recognition with commendation for outstanding academic work. Mr. Gonzalez, a graduate of Live Oak High School and the University of California, Davis, is anticipating a medical career following graduate school at Stanford. Mr. Gonzalez responded by thanking the Mayor, Mr. and Mrs. Rocke Garcia, his family, and the residents of Morgan Hill for the support given him throughout the years.

City Council Action

CONSENT CALENDAR:

On a motion by Agency/Council Member Carr and seconded by Agency/Council Member Sellers , the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, approved Consent Items 5 - 11 as follows:

- 5) **CONTRACT FOR CONSULTANT PLANNING SERVICES**
Authorized the City Manager to Execute a Consultant Services Agreement for Contract Planning Services at a Cost Not to Exceed \$26,000.
- 6) **AUTHORIZE THE DONATION OF SURPLUS EMERGENCY EQUIPMENT**
Authorized the Donation of a Surplus Emergency Vehicle Lighting to be Used by Medical Providers in the City of Couhuila, Sonora, Mexico.
- 7) **PUBLIC WORKS MAINTENANCE CONTRACTS FOR FY 2001-2002**
Awarded the Maintenance Contracts for: 1) Emergency Repairs, Maintenance and Parts for Well Sites and 2) Service Repair for Sewer Lift Station Pumps and Storm Station Pumps.
- 8) **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR CIVIL ENGINEERING DESIGN OF THE WARREN/HALE/NOB HILL TERRACE STREET IMPROVEMENT PROJECT**
Authorized the City Manager to Execute a Consultant Services Agreement for Civil Engineering Design of the Warren/Hale/Nob Hill Terrace Street Improvement Project at a Cost Not to Exceed \$25,000 with Hanna & Brunetti, Subject to the Approval by the City Attorney.
- 9) **APPROVAL OF SCOPE OF SERVICES AND AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) NEEDS ANALYSIS**

1. **Approved** the Scope of Services for the GIS Needs Analysis and
2. **Authorized** the City Manager to Enter into a Professional Services Contract with A.C.T. GIS for Said Services in an Amount Not to Exceed \$30,000. The Authorization is Subject to City Attorney Approval.

10) APPROVAL OF SOLE SOURCE PURCHASE OF WATER METERS

1. **Approved** Purchase of Water Meters, Meter Parts and MXUs from Invensys Metering Systems (formerly Sensus Technologies) in Accordance with Section 3.04.120.A (4) of the Municipal Code - Brand Names or Equal Specification and Section 3.04.150.C - Sole Source Purchases; and
2. **Approved** Purchase Order of \$163,000 to Invensys Metering Systems for the Annual Supply of Water Meters, Meter Parts and MXUs.

11) APPROPRIATE FUNDS FROM THE VEHICLE REPLACEMENT FUND FOR HAZARDOUS RESPONSE VEHICLE

Appropriated \$12,031 from the Equipment Replacement Fund to Complete the Purchase and Installation of Emergency for the Hazardous Response Vehicle.

PUBLIC HEARING:

12) ORDINANCE REGARDING ANIMAL VIOLATIONS AND PENALTIES

Police Chief Steve Schwab gave the staff report. Before the council this evening, he stated the requested ordinance would double fines for unsterilized dogs which are found to be running at-large. Chief Schwab noted the action, if approved, would deal with those dogs which had been impounded multiple times. Sterilization would follow if a dog had been impounded two or more times.

Discussion ensued regarding the Chief's joint efforts with the Council and other City Staff regarding increased safety by keeping dangerous breeds of dogs from the streets. It was noted that Chief Schwab has been a leader in this effort.

Chairman Kennedy opened the floor to public comments; no comments were offered.

Action: *On a Motion by Agency/Mayor Pro Tem Sellers and Seconded by Agency/Council Member Chang, the Agency/City Council Voted (4-0), with Agency/Council Member Tate Absent, Waived the Reading in Full of Animal Ordinance No. 1518, N.S.*

Action: *On a motion by Agency/Mayor Pro Tem Sellers and seconded by Agency/Council Member Chung, the Agency/City Council Introduced Ordinance No. 1518, N.S. by Title Only As Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING SECTION 6.04.010(Q) (DEFINITIONS) OF CHAPTER 6.04 (GENERAL PROVISIONS), SECTION 6.32.100 (MANDATORY STERILIZATION FOR MULTIPLE IMPOUNDS) AND SECTION 6.32.110 (HEARING FOR MANDATORY STERILIZATION FOR MULTIPLE IMPOUNDS), AND AMENDING SECTION 6.08.030 (VIOLATION - PENALTY) OF CHAPTER 6.08 (ADMINISTRATION AND ENFORCEMENT) OF TITLE 6 (ANIMALS) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING VIOLATIONS AND PENALTIES FOR UNSTERILIZED ANIMALS RUNNING AT-LARGE by the following action: AYES: Agency/Council Member Chung, Agency/Council Member Carr, Agency/Mayor Pro Tem Sellers, Mayor/Chairman Kennedy;. NOES: None; ABSTAIN: None; ABSENT: Agency/Council Member Tate.*

OTHER BUSINESS:

13) CITY ENERGY POLICIES AND ACTIONS

Assistant City Manager Anthony Eulo presented the staff report. He stated, in keeping with the recent activities by the Council regarding the increased emphasis on utilizing alternative source of power generation and enhanced use of renewable resources, positive action would be giving time frames for staff direction. Council Members engaged in discussion with Mr. Eulo regarding on-going efforts by various businesses and agencies in the City.

Council Member Carr spoke on the efforts of the Santa Clara Pollution Prevention Commission to reduce emissions from emergency diesel generators which are used in the event of black-out or in an effort to reduce electric usage.

Chairman Kennedy opened the floor to public comments; no comments were offered.

Action: *On a motion by Agency/Mayor Pro Tem Sellers and seconded by Agency/Council Member Carr, the Agency/City Council voted (4-0), with Agency/Council Member Tate absent, took the following action:*

1. **Directed** Staff to Identify Opportunities the City has to Generate Energy from Renewable Sources and Report Back to the Council in 90 Days; and
2. **Directed** Staff to Report to the Planning Commission on Barriers the City's Zoning Ordinance May present to Renewable Energy Generation.

At the suggestion of Mayor Kennedy, City Manager Tewes and Assistant City Manager Anthony Eulo will look into the designation and presentation of an award for the City business(es) which are most energy efficient.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Agency/Council Member Carr and seconded by Agency/Council Member Chang, the Agency/City Council unanimously (4-0), with Agency/Council Member Tate absent, approved Consent Items #14 through #18 as follows:*

14) JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 8, 2001

Action: Approved Minutes as Written

15) JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 13, 2001

Action: Approved Minutes as Written

16) JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 13, 2001 (CLOSED SESSIONS)

Action: Approved Minutes as Written

17) JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 15, 2001 (WORKSHOP)

Action: Approved Minutes as Written

18) JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 15, 2001

Action: Approved Minutes as Written

City Attorney/Agency Counsel Leichter announced the below listed closed session items.

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Name of Case: City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill
Case Number: Superior Court, County of Santa Clara CV794073

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: 13.7 Acres; 1320 Diana Avenue (APN 728-17-015)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
 For Property Owners: Sanchez Apolonio & Yow C. Et. Al
Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: 17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
 For Property Owners: Virginia Lomanto Trustee
Closed Session Topic: Acquisition of Real Property

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the above listed closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSIONS:

Mayor/Chairman Kennedy adjourned the meeting to closed session at 7:51 p.m.

RECONVENE:

Mayor/Chairman Kennedy called the meeting to order at 8:45 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session items.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

No items were noted.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 8:50 p.m.

MINUTES RECORDED AND PREPARED BY:

/s/ Judi Johnson

Judi Johnson, Minutes Clerk